

THE CITY OF NEW YORK  
LAW DEPARTMENT  
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July 18, 2007

BY HAND ONLY

Honorable Richard J. Holwell  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1950  
New York, NY 10007

Re: Pacheco v. City of New York et al., 07 CV 4717 (ENV)(RML)

Dear District Judge Holwell:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York assigned to the above-referenced case. I am writing with the consent of plaintiff's counsel, Wale Mosaku, Esq. to respectfully request that the City be granted a sixty-day enlargement of time, from July 23, 2007 to September 22, 2007, to answer or otherwise respond to the complaint. This is City's first request for an enlargement of time in this action.

The complaint alleges, *inter alia*, that plaintiff was falsely arrested and falsely imprisoned, as well as subjected to malicious prosecution. In addition to the City of New York, plaintiff purports to name Police Officers "Pagan," "Lane," "Nolasco," "Rosario," and "Murad" as defendants. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

Moreover, the enlargement will allow us to ascertain whether the individually named officers have been properly served. If service has been effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case,

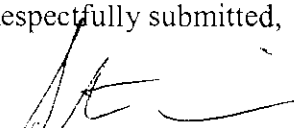
whether we may represent the individually named defendants. The named defendants must each then decide whether he/she wishes to be represented by this office. If so, we must obtain his/her written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See Mercurio v. The City of New York, et al., 758 F.2d 862, 854-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer the complaint until September 22, 2007.

Thank you for your consideration in this regard.

Application Granted  
SO ORDERED  
D. J. H.  
USDJ

Respectfully submitted,

  
Stuart Jacobs (SJ 8379)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: BY FAX  
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3/20/07